

2016-UNAT-709, Wilson

UNAT Held or UNDT Pronouncements

UNAT held that the impugned Order ceased to have any legal effect when the respective management evaluation was issued. UNAT held that the issuance of the management evaluation had rendered the Order under appeal moot. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant filed an application seeking suspension, pending management evaluation, of the selection decision for a post. On the same day, the Applicant filed a motion for production of evidence, seeking an extensive disclosure of records in relation to his claims. UNDT issued Order No. 147 (NY/2016), suspending the selection decision pending management evaluation after finding that the cumulative tests of Article 2.2 of the UNDT Statute had been met. The Secretary-General appealed. On 30 August 2016, the Management Evaluation Unit (MEU) informed the Applicant that the contested decision had been rescinded. The Secretary-General filed a "Motion for Consideration", requesting UNAT to consider and pronounce itself on the merits of the appeal even though the issuance of the management evaluation rendered the Order under appeal moot.

Legal Principle(s)

UNAT has consistently held that in the United Nations system of administration of justice, the UNAT was established to pass judgment on existing disputes, but not to give interpretations of the law where there are no disputes before it.

Outcome

Appeal dismissed on receivability

Full judgment

[Full judgment](#)

Applicants/Appellants

Wilson

Entity

UNJSPF

Case Number(s)

2016-944

Tribunal

UNAT

Registry

New York

Date of Judgement

28 Oct 2016

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Suspension of action / interim measures

Mootness

Applicable Law

UNAT Statute

- Article 2
- Article 7

Related Judgments and Orders

2012-UNAT-223

2012-UNAT-208

2016-UNAT-708